

Introduced by Senator Wolk

February 23, 2012

An act to amend Section 1528 of the Fish and Game Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as introduced, Wolk. Department of Fish and Game: lands.

Existing law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges. Existing law restricts shooting permits for department-operated lands to persons holding valid hunting licenses.

This bill would authorize the department to enter into contracts or other agreements with nonprofit conservation groups for the management and operation of department-managed lands, defined to include public shooting grounds, state marine recreational management areas, and wildlife management areas. The bill would state that hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are the priority uses compatible with wildlife management areas, and would prohibit other uses in wildlife management areas unless specifically authorized by regulations adopted by the commission. The bill would authorize the commission to require the purchase of a special use permit for those other uses in wildlife

management areas as provided in regulations adopted by the commission and subject to terms and conditions imposed by the department. The bill would require the purchase of an entry permit as provided in regulations adopted by the commission for access to department-managed lands for uses other than hunting and fishing, as defined, except as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1528 of the Fish and Game Code is
2 amended to read:

3 1528. ~~Lands, or~~ (a) *As used in this section:*

4 (1) *“Department-managed lands” include lands, or lands and*
5 *water, acquired for public shooting grounds, state marine*
6 *(estuarine) recreational management areas, ~~or~~ and wildlife*
7 *management areas shall.*

8 (2) *“Hunting” and “fishing” together mean the take of any*
9 *game bird, game mammal, furbearer, fish, or nongame species in*
10 *accordance with this code and regulations adopted pursuant to*
11 *this code.*

12 (b) *Department-managed lands shall be operated on a nonprofit*
13 *basis by the department. ~~Multiple~~ The department may enter into*
14 *contracts or other agreements with nonprofit conservation groups*
15 *for the management and operation of department-managed lands.*

16 (c) *Multiple* recreational use of wildlife management areas is
17 desirable and that use shall be encouraged by the commission.
18 Except for hunting and fishing purposes, only minimum facilities
19 to permit other forms of multiple recreational use, such as camping,
20 picnicking, boating, or swimming, shall be provided. ~~Except~~

21 (d) *Except* as provided in Section 1765, and to defray the costs
22 associated with multiple use, the commission may determine and
23 fix the amount of, and the department shall collect, fees for any
24 use privileges. However, tours by organized youth and school
25 groups are exempt from the payment of those fees. Only persons
26 holding valid hunting licenses may apply for or obtain shooting
27 permits for public shooting grounds, state marine (estuarine)
28 recreational management areas, or wildlife management areas.

1 (e) (1) *Hunting, fishing, wildlife viewing, wildlife photography,*
2 *conservation education, and fish and wildlife research are the*
3 *priority uses compatible with wildlife management areas.*

4 (2) *Uses not listed in paragraph (1) are prohibited in wildlife*
5 *management areas unless specifically authorized by regulations*
6 *adopted by the commission. The commission may require the*
7 *purchase of a special use permit for uses in wildlife management*
8 *areas not listed in paragraph (1), as provided in regulations*
9 *adopted by the commission and subject to terms and conditions*
10 *imposed by the department.*

11 (f) *The purchase of an entry permit as provided in regulations*
12 *adopted by the commission shall be required to access all*
13 *department-managed lands for uses other than hunting and fishing.*
14 *The user shall have the entry permit in his or her immediate*
15 *possession while on department-managed lands. A person in*
16 *possession of a valid hunting license, a sport fishing license, or a*
17 *trapping license shall be exempt from the payment of an entry*
18 *permit fee.*

19 (g) *Notwithstanding subdivision (f), the commission may*
20 *continue to allow free access to an area of department-managed*
21 *lands if the commission finds that the best interest of that area*
22 *would be served through not collecting the entrance fee. This*
23 *finding may be based upon evidence, including, but not limited to,*
24 *that the department would actually lose money by charging the*
25 *fee.*